

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TONETTE L. VAZQUEZ,

Plaintiff,

v.

ALEJANDRO MAYORKAS,

Defendant.

Case No. 18-cv-07012-JCS

**ORDER DENYING MOTION TO
APPOINT COUNSEL AND FOR
EXTENSION OF TIME**

Re: Dkt. No. 141

Plaintiff Tonette Vazquez, pro se, moves for appointment of counsel and for an extension of time. That motion is DENIED for the reasons stated in the Court's March 3, 2021 order (dkt. 125) denying a similar motion.

Ms. Vazquez also objects to the Court's determination that she waived attorney-client privilege with respect to communications regarding the purported settlement. "The privilege which protects attorney-client communications may not be used both as a sword and a shield." *Chevron Corp. v. Pennzoil Co.*, 974 F.2d 1156, 1162 (9th Cir. 1992). By asserting that her then-attorneys entered a settlement agreement without authorization and pressured her to accept it, Ms. Vazquez has placed her communications with her then-attorneys directly at issue in the case. Under such circumstances, the attorney-client privilege is waived. *See AT & T Mobility LLC v. Yeager*, No. 2:13-cv-0007-KJM-DAD, 2014 WL 6633374, at *5 (E.D. Cal. Nov. 21, 2014) (holding that where "a client alleges an attorney acted without authorization," the client "in all probability waives the attorney client privilege" (citing *Bittaker v. Woodford*, 331 F.3d 715, 719 (9th Cir. 2003))).

IT IS SO ORDERED.

Dated: June 17, 2021


JOSEPH C. SPERO
Chief Magistrate Judge